



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 5, 2005 LOCAL EFFECTIVE DATE August 19, 2005 APPROX FINAL EFFECTIVE DATE September 9, 2005	CONTACT/PHONE Martha Neder, AICP, Planner (805) 781-4576	APPLICANT Mark Ober	FILE NO. D010346P
SUBJECT Request by Mark Ober for a Minor Use Permit/Coastal Development Permit to allow the construction of a new single family residence and attached garage with 2,485 square feet of footprint and 3,485 square feet of gross structural area. The project will result in the disturbance of approximately 5,000 square feet of 6,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located on Benson Drive, approximately 400 feet west of Ardath Avenue, Lodge Hill, in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit D010346P based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on 5/8/2003. (ED02-585)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION TH/LCP	ASSESSOR PARCEL NUMBER 023-068-004	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program and Terrestrial Habitat <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family <i>East:</i> Residential Single Family <i>South:</i> Residential Single Family <i>West:</i> Residential Single Family	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Grasses, forbs, Monterey pine trees
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: May 7, 2003

PROJECT BACKGROUND:

This project was originally scheduled for the June 20, 2003 Planning Department Hearing. The applicant requested a continuance off calendar in order to make substantial revisions to the proposed single-family residence. This staff report addresses the revised plans. A copy of the previous staff report is attached for informational purposes only.

PLANNING AREA STANDARDS:

Lot Size: 6,000 square feet
 Single Lot

Slope: 18 percent
 Number of trees to be removed: 4

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	Tract 61 - exempt	2,485	OK
GSA (SQUARE FEET)	NA	3,485	OK
DECKS (SQUARE FEET)			
PERVIOUS	NA	490	OK
IMPERVIOUS	NA	0	OK
HEIGHT (FEET)	28	28	OK
SETBACKS (FEET)			
FRONT	25'	25'	OK
REAR	10'	15'	OK
SIDE	5'	5'	OK
STREET SIDE	NA	NA	OK

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. *The applicant has demonstrated that adequate public service capacities are available to serve the proposed project by submitting a water and sewer will-serve letter.*

Coastal Watersheds:

Policy 7: Siting of new development: *The proposed project is consistent with this policy because the new residence is located on slopes less than 20%.*

Policy 8: Timing of new construction: *The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.*

Hazards:

Policy 1: New Development: *The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability: *The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.*

Environmentally Sensitive Habitats

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: *The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. Monterey Pine trees removed for the project will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.*

Policy 2: Permit Requirement: *The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.*

Policy 3: Habitat Restoration: *The proposed project is consistent with this policy because, Monterey Pine trees removed for the project will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.*

Policy 27: Protection of Terrestrial Habitats: *The proposed project is consistent with this policy because not allowing a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).*

Policy 28: Protection of Native Vegetation: *The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. Monterey Pine trees removed for the project will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.*

Policy 33: Protection of Vegetation: *The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.*

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: No comment

AGENCY REVIEW:

Public Works – Applicant will need to pay road fees, submit a drainage plan and get an encroachment permit

Cambria Community Services District – A water and sewer service intent to serve letter from the CCSD.

North Coast Advisory Council - No comment

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots - Tract 61.

Staff report prepared by Martha Neder and reviewed by Matthew Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15301 because the project is a single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed or impacted they will be replaced.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.

- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if pine trees are removed, they will be replaced on a two-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat and the project or use will be required to replace removed pines on a two-to-one basis.
- M. The project or use will not significantly disrupt the habitat, because it is a single-family residence with minimal site disturbance.

Public Works Policy 1

- N. Adequate public service capacities are available to serve the proposed development because the service provider for the area, Cambria Community Services District, has provided an "Intent to Serve" letter, notice that the parcel has been approved for a water and sewer capacity allocation, for the project.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the construction of new single-family residence with approximately 2,485 square feet of footprint and 3,485 square feet of gross structural area.
2. All permits shall be consistent with revised Site Plan, Floor Plans, and Elevations.

Conditions to be completed prior to issuance of a construction or grading permit

Grading, Drainage, Sedimentation and Erosion Control

3. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

5. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.

Cambria Community Services District

6. **Prior to issuance of construction permit**, the applicant shall submit, for the Planning Director review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation submitted to the Planning Director shall include written evidence that the Cambria Community Service District (CCSD) has determined that the applicant has complied with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and further modified by CCSD Board approval on November 14, 2002 (CCSD board item VIII.B), subject to the limitation that no retrofit credits shall have been obtained by any of the following means: a) extinguishing agricultural water use, or b) funding leak detection programs. Evidence of compliance with CCSD Ordinance 1-98 shall be accompanied by written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.

Landscape Plan

7. **Prior to issuance of construction permit**, the applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Miscellaneous

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions applicable throughout project construction

Building Height

9. The maximum height of the project is 28 feet from average natural grade.
 - A. **Prior to any construction**, a licensed surveyor or registered civil engineer shall first file with the Building Official certification of compliance with the flood hazard elevation requirements, and shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - B. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - C. **Prior to approval of the roof-nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Grading, Drainage, Sedimentation and Erosion Control

10. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
11. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
12. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
13. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

14. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Tree Protection/Replacement

15. The applicant shall limit tree removal to no more than 4 Monterey pine trees with an eight inch diameter or larger at four feet from the ground. Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed.
16. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
17. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.

Cambria Community Services District

18. Existing water fixtures shall be retrofitted to current standards under District Ordinance 3-88 as amended.
19. The owners shall provide the District with a copy of county building permit issued for this project.

**Conditions to be completed prior to occupancy or final building inspection
/establishment of the use**

Fire Safety

20. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Tree Protection/Replacement

21. Prior to final inspection, the four (4) Monterey pine trees removed as a result of construction shall be replaced at a 2:1 ratio. A total of 8 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.
22. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees

have been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

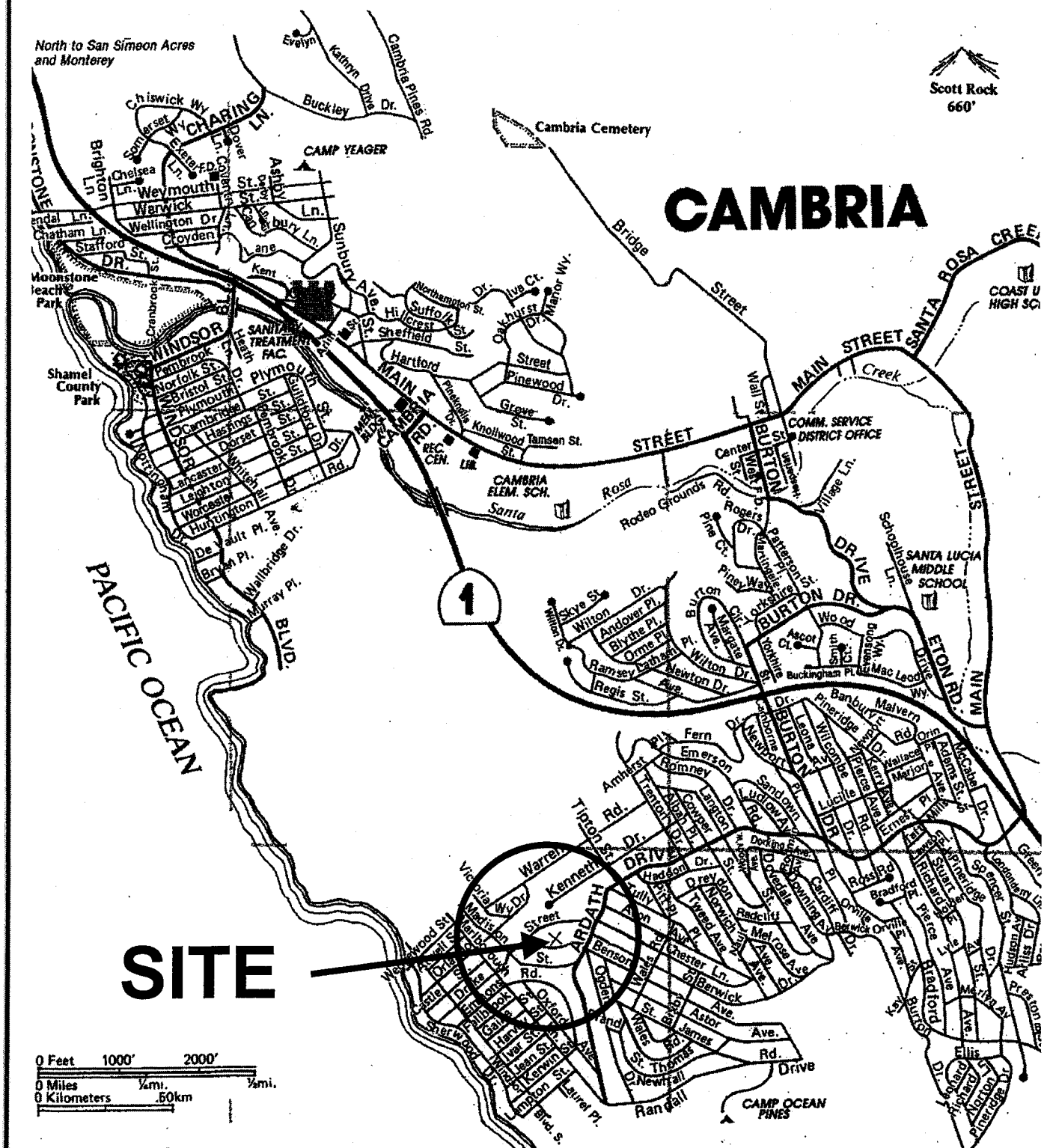
23. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant and successors-in-interest agree to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.

Cambria Community Services District

24. Applicant shall submit for final plumbing inspection upon completion of the project.

Miscellaneous

25. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
26. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



PROJECT

MINOR USE PERMIT
OBER D010346P



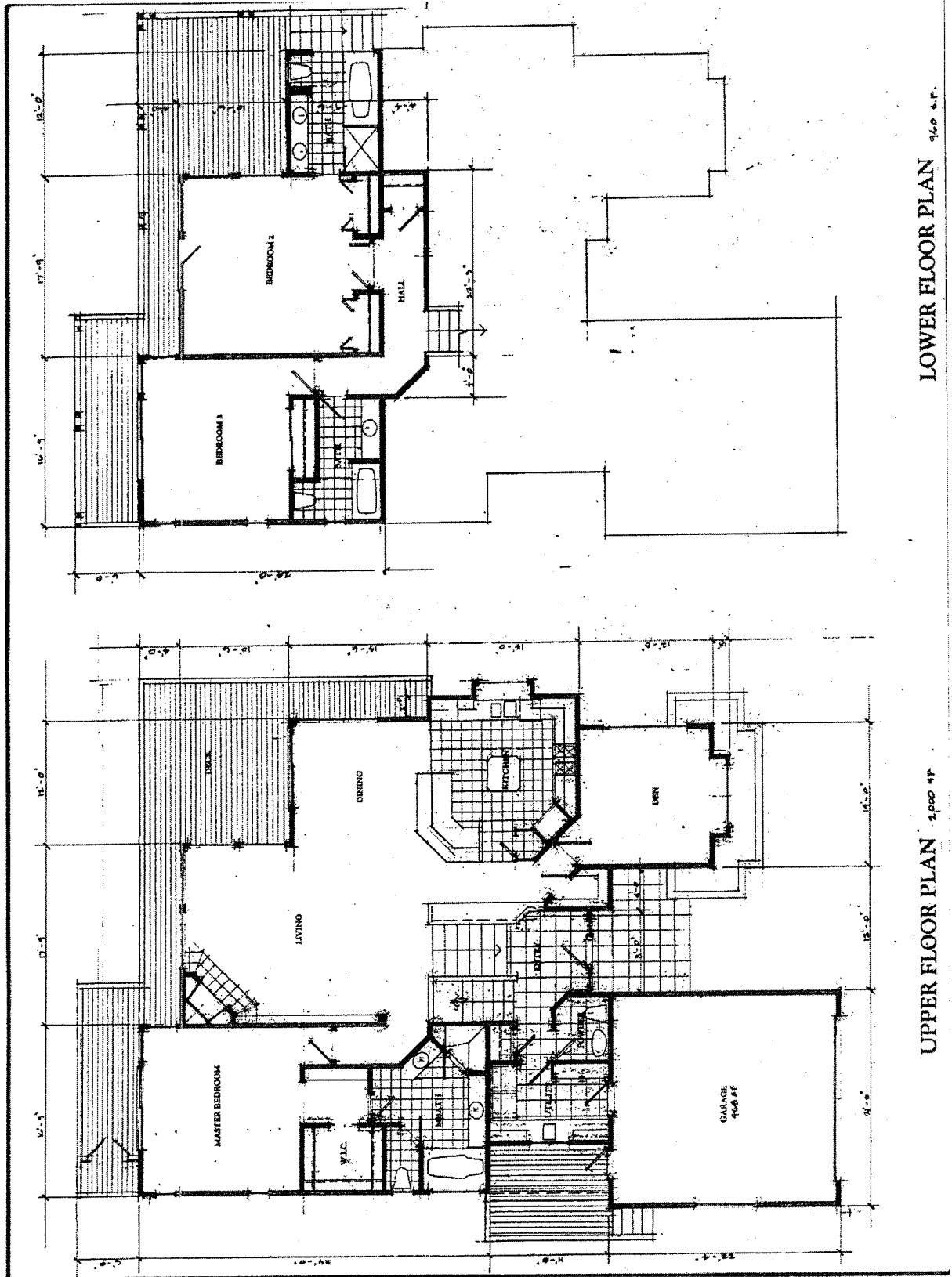
EXHIBIT

VICINITY MAP

MINOR USE PERMIT
OBER D010346P



LAND USE CATEGORY MAP-RSF



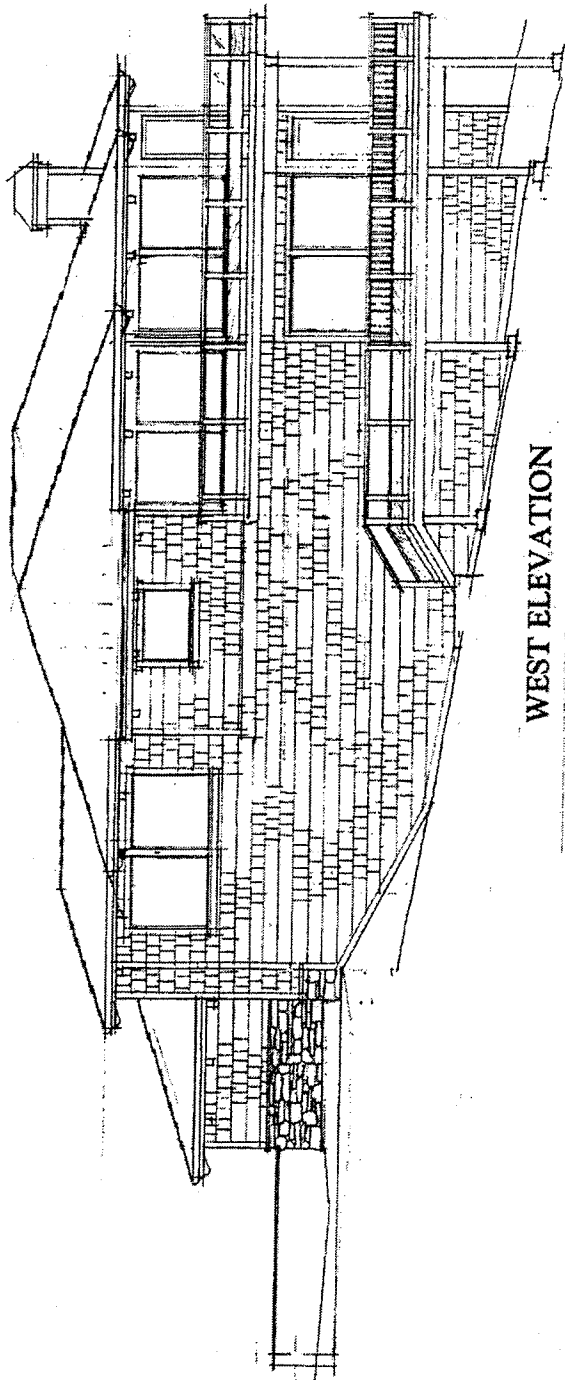
PROJECT

Minor Use Permit
Ober-D010346P

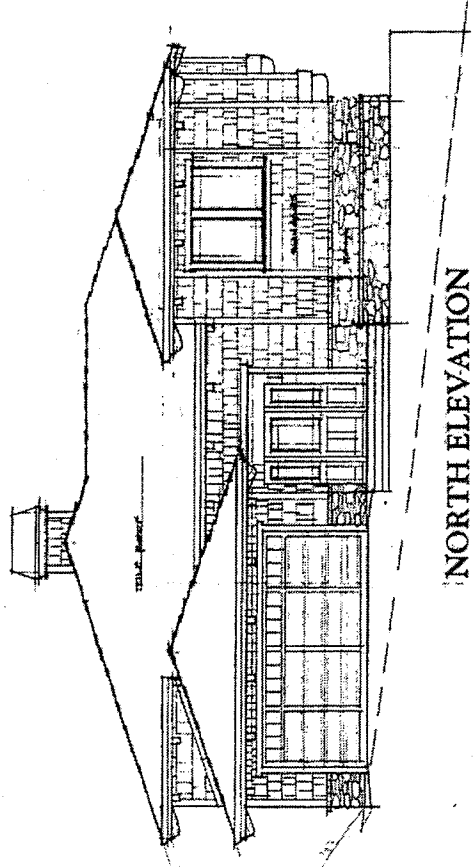


EXHIBIT

Floor Plans



WEST ELEVATION



NORTH ELEVATION

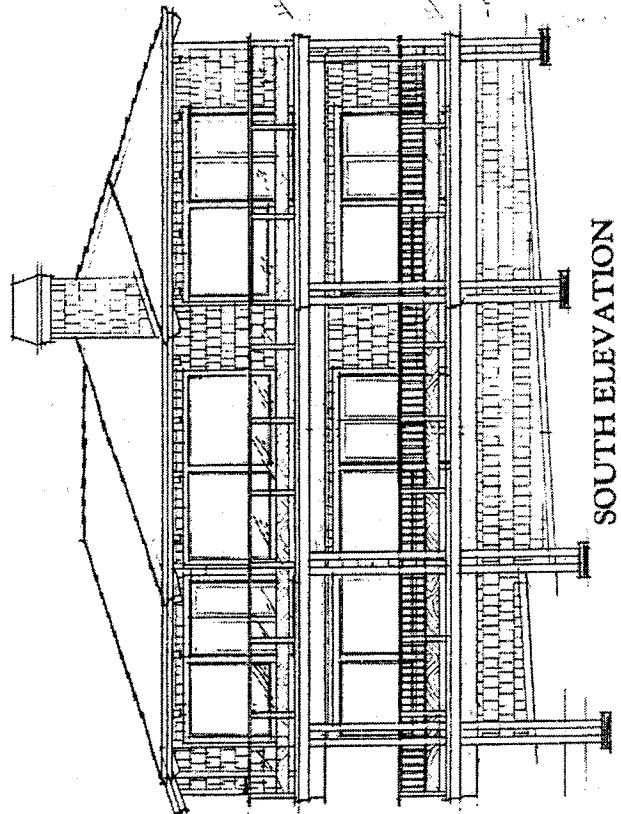
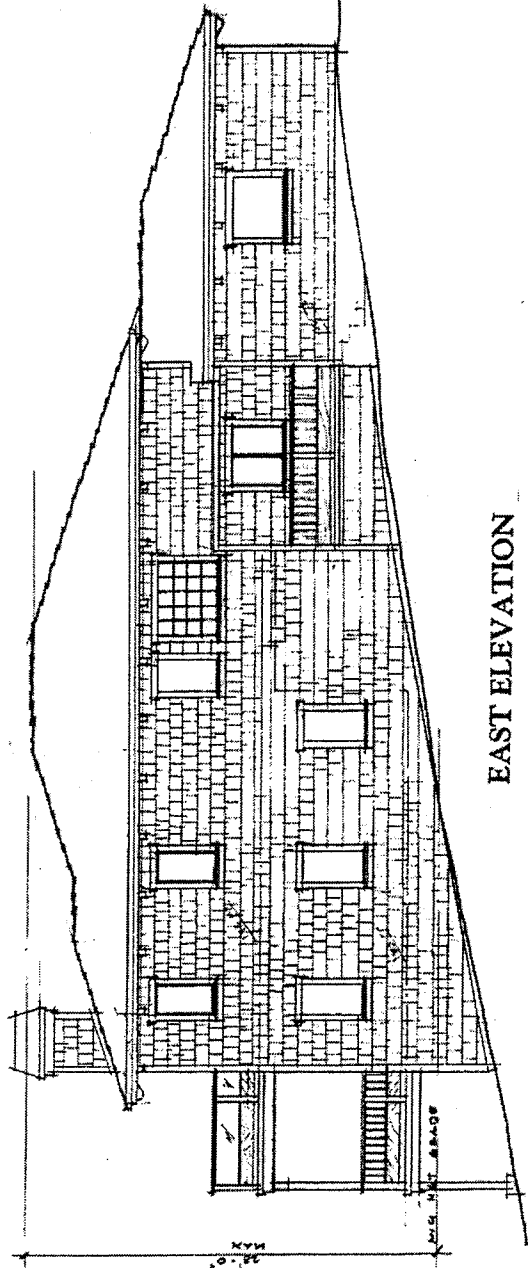
PROJECT

Minor Use Permit
Ober-D010346P



EXHIBIT

North/West Elevations



PROJECT

Minor Use Permit
Ober-D010346P



EXHIBIT

East and South Elevations